

[Docket No. AB-290 (Sub-No. 158X)]

**Norfolk Southern Railway Company—
Abandonment Exemption—in Elberton,
GA**

Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.9 miles of its line of railroad, between milepost P-48.5 and milepost P-50.4, in Elberton, GA.

NS has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 11, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by April 21, 1995. Petitions to reopen or requests for

public use conditions under 49 CFR 1152.28 must be filed by May 1, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: James R. Paschall, Three Commercial Place, Norfolk, VA 23510.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

NS has filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 14, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 5, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-8868 Filed 4-10-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Judgment by Consent Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 24, 1995, a proposed consent decree in *United States v. Brentwood Industries, Inc.*, Civil Action No. 95-1731, was lodged on March 24, 1995 with the United States District Court for the Eastern District of Pennsylvania.

The proposed consent decree will resolve the United States' claims for violations of Section 113(b) of the Clean Air Act as amended, 42 U.S.C. § 7413(b), due to Brentwood's failure to apply for new source review permits as required by the Pennsylvania State Implementation Plan ("SIP"). 25 Pa. Code § 127.11 *et seq.* This action and settlement also arise from the failure of Brentwood to comply with the Emergency Planning and Community

Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c)(1) and regulations promulgated pursuant thereto.

The Department of Justice will receive comments relating to the proposed consent decree with Brentwood Industries, Inc., for a period of thirty (30) days from the date of this publication. Comments on the decree should be addressed to the Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. Brentwood Industries, Inc.*, Civil Action No. 95-1731, DOJ reference No. 90-5-2-1-1918.

A copy of the proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut St., Philadelphia, Pa.; the Region III office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; and the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202-624-0892). A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. When requesting a copy of the proposed consent decree, please enclose a check in the amount of \$4.50 (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

Joel Gross,

Acting Chief, Environmental Enforcement
Section, Environment & Natural Resources
Division.

[FR Doc. 95-8813 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department of Justice Policy, 28 C.F.R. § 50.7, notice is hereby given that the Department of Justice is receiving comments on a proposed prospective purchaser agreement between the United States and G.L. Bryan Investments, Inc., with respect to the Chemical Sales Property in Denver, Colorado. The Chemical Sales Property is part of the larger Chemical Sales Superfund Site. Bryan Investments is a Colorado corporation in good standing, with its principal place of business in Denver, Colorado. The State of Colorado is also a party to the Agreement.

¹ A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request prior to the effective date of this exemption.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

Under the proposed prospective purchaser agreement, Bryan Investments has made the following commitments: (1) Pay \$100,000 in cash upon obtaining title to the Chemical Sales Property; (2) perform a removal action with respect to all chemicals located above ground at the Chemical Sales Property; and (3) investigate the status of certain underground storage tanks at the Chemical Sales Property and remediate any contamination emanating from those tanks. In exchange, the United States and the State will provide a covenant not to sue to Bryan under the Comprehensive Environmental, Response, Compensation, and Liability Act for existing contamination at the Chemical Sales Property. The covenant not to sue is subject to Bryan's full compliance with the proposed Agreement.

The Department of Justice will receive written comments relating to the proposed Agreement for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748B.

The proposed Agreement and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado.

A copy of the proposed Agreement (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8809 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department of Justice Policy, 28 CFR 50.7, notice is hereby given that on March 29, 1995, a proposed consent decree was lodged with the United States District Court for the District of Colorado in *United States v. Chemical Sales Company, et al.*, CA No. 94-M-2876. The proposed consent

decree settles claims asserted by the United States, at the request of the United States Environmental Protection Agency (EPA) and the United States Department of the Army, and by the State of Idaho for releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The persons and entities named as defendants are Chemical Sales Company, Inc.; Bernard Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Eunice Katz, as an acting trustee of the Bernard P. Katz Children's Trust; Daniel Katz, individually, as a general partner of M.K. Partners, as personal representative of the Estate of Moses Katz, and as an acting trustee of the Daniel I. Katz Trust; Myrna Kesselman; M.K. Partners; the Bank of Cherry Creek, as trustee of the Moses and Eunice Katz Trusts; and Lois Alterman, as an acting trustee for the Bernard P. Katz Children's Trust.

In the complaint, the United States asserted claims pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9607(a), the Federal Priorities Act, 31 U.S.C. 3713, and the Federal Debt Collection Procedure Act, 28 U.S.C. 3301, for recovery of costs that have been and will be incurred in response of releases and threatened releases of hazardous substances at the Chemical Sales Superfund Site near Denver, Colorado. The State of Colorado asserted a claim for recovery of costs pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) and applicable State law theories.

Under the proposed Consent Decree, the Defendants have made the following commitments: (1) Pay \$1.125 million in cash, representing the proceeds of an insurance settlement between Chemical Sales Company and certain of its insurers; (2) pay up to \$1 million from various Katz family trusts and estates; (3) and transfer their interests in the Chemical Sales Property to G.L. Bryan Investments, Inc., pursuant to a prospective purchaser agreement between the United States and Bryan. In exchange, the United States and the State will provide a covenant not to sue to the Defendants (except defendant Bernard Katz) without the usual reopeners.

In exchange for the commitments made by the settling Defendants in the consent decree, the United States and the State of Colorado have agreed to provide the Defendants (except

defendant Bernard Katz) with a complete covenant not to sue without normal reopener provisions for the Site.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Chemical Sales Co., et al.*, D.J. Ref. No. 90-11-2-748A.

The proposed Consent Decree and exhibits may be examined at the following locations: the Region 8 Office of EPA, 999 18th Street, Suite 500, Denver, Colorado. The complete Administrative Record for the Chemical Sales Superfund Site may be reviewed at the same location.

A copy of the Consent Decree and exhibits (if requested) may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. In requesting copies, please enclose a check in the amount of \$12.00 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95-8810 Filed 4-10-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Partial Consent Decree in *United States v. Kenneth L. Thomas et al.*, Civil Action No. 93-4098-JLF (S.D. Ill.) entered into by the United States and defendant Kenneth L. Thomas, was lodged on March 28, 1995, with the United States District Court for the Southern District of Illinois. The proposed Partial Consent Decree resolves certain claims of the United States under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607, with respect to the M.T. Richards, Inc. Site ("Site") in Crossville, Illinois. Under terms of the Partial Consent Decree, Kenneth L. Thomas will pay the United States \$25,000, plus interest, as specified in the Partial Consent Decree in return for the government's